

## **REMARKS**

Claims 1-20 are all the claims pending in this application. Claims 1, 4, 5, 9, 10, 11, 14, 15, 19, and 20 are currently amended. Claims 2, 3, 6-8, 12, 13, and 16-18 are cancelled without prejudice. No new matter has been added. It is submitted that the application as amended is in condition for allowance. Reexamination and reconsideration of the application is respectfully requested.

Claims 1, 10-11, and 20 are rejected under 35 USC 112, first paragraph. Claims 1-20 are rejected under 35 USC 103(a) as being unpatentable over Na (U.S. 6,226,276) in view of Soulabail et al. (U.S. 2002/0071415). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

### **Substance of Interview**

As a preliminary matter, Applicant gratefully acknowledges the courtesies extended by the Examiner in the January 22, 2009, telephone interview with Applicant's representative, Puya Partow-Navid. The Examiner's comments and explanations were helpful and very much appreciated. Pursuant to M.P.E.P. § 713.04, Applicant provides the following remarks.

Prior to the interview, the Examiner was provided with a proposed Amendment, which was the same as the present Amendment in all relevant parts.

Independent claims 1, 10, 11, and 20, were discussed with regard to the Soulabail patent. Applicant's position on these references was essentially the same as that forth below.

The Examiner acknowledged Applicant's position, and agreed that the present amendment appeared to define the claimed invention over the cited art of record. The Examiner indicated that a more-detailed review of the amended claims would also be necessary before a notice of allowance could be issued.

**Rejection under 35 USC 112, first paragraph**

Claims 1, 10-11, and 20 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Specifically, page 3 of the Office Action states that the amended limitation of "wherein the length of the guard period provided between the uplink and the downlink signal is variable with respect to a previous length of a guard period provided between a previous uplink and downlink signal," does not have support in the filed specification.

In order to expedite prosecution of the present application, Applicant has amended claims 1, 10-11, and 20 to remove the limitation "wherein the length of the guard period provided between the uplink and the downlink signal is variable with respect to a previous length of a guard period provided between a previous uplink and downlink signal." Thus, it is respectfully asserted that the grounds for the rejections of claims 1, 10-11, and 20 have been overcome

### **103 rejections Na in view of Soulabail**

Claims 1-20 are rejected under 35 USC 103(a) as being unpatentable over Na in view of Soulabail. Claims 2, 3, 6-8, 12-13, and 16-18 are cancelled without prejudice, thus rendering the rejections of claims 2, 3, 6-8, 12-13, and 16-18 moot.

As amended, claim 1 incorporates elements of cancelled claims 2 and 3. Specifically, claim 1 recites setting the mode switching start point before a start point of the minimum guard period ( $GP_{min}$ ) of the transceiver if the MST is greater than the  $GP_{min}$ .

With respect to cancelled claim 3, page 6 of the Office Actions states that Na does not explicitly disclose “setting the mode switching start point before a start point of the minimum guard period.” Additionally, page 6 of the Office Action states that element 68 of Fig. 6 of Soulabail teaches “setting mode switching start point of the minimum guard period,” and that it would have been obvious to one of ordinary skill in the art to “modify the mode switching operation at common node” as taught by Na by incorporating “rest switching mode based on minimum guard period” as taught by Soulabail. Applicant respectfully disagrees.

First, claim 1 recites “setting the mode switching start point before a start point of the minimum guard period ( $GP_{min}$ ) of the transceiver if the MST is greater than the  $GP_{min}$ . ” Applicant submits that setting the mode switching start point before the start point of the minimum guard period is not the same as setting the mode switching start point of the minimum

guard period. As discussed below, Soulabail lacks the element of setting the mode switching start point before the start point of the minimum guard period.

Furthermore, a review of Fig. 6 of Soulabail supports the arguments presented above. For example, guard periods 66 and 68 of Fig. 6 are a fixed length and the downlink 60 and uplink 62 start and stop and the respective start points of the guard periods 66 and 68. Additionally, guard period 69 of Fig. 6 is a guard period with a “certain amount of delay.” (Paragraph 48, Soulabail). However, none of the guard periods 66, 68, and 69 of Fig. 6 of Soulabail illustrate that the mode switching start point before the start point of the minimum guard period as required by claim 1. Rather, the downlink 60 and uplink 62 start and stop and the respective start points of the guard periods.

Finally, paragraph 41 of Soulabail discloses that “to take benefit of the second guard period, the uplink should be delayed with fixed time lower than or equal to the prior guard period G.” Applicant submits that delaying the start of the uplink would prevent “setting the mode switching start point before a start point of the minimum guard period,” as recited in claim 1. More specifically, setting the mode switching start point before a start point of the minimum guard period is similar to advancing the start point of the uplink. Advancing the start point of the uplink is distinguishable from delaying the start point of the uplink, since advancing is the opposite of delaying. As such, for the reasons presented above Applicant submits that Soulabail fails to teach or suggest “setting the mode switching start point before a start point of the minimum guard period ( $GP_{min}$ ) of the transceiver if the MST is greater than the  $GP_{min}$ ,” as recited in claim 1.

For the reasons stated above, Soulabail does not cure the stated deficiencies of Na. Accordingly, even if one of ordinary skill were to combine these references in the manner alleged, the resulting system would not teach all of the elements of claim 1. Therefore, it is respectfully submitted that claim 1 is allowable over the cited references. Additionally, independent claims 10, 11, and 20 recite elements similar to independent claim 1. Specifically, independent claims 10, 11, and 20 recite “setting the mode switching start point before a start point of the minimum guard period ( $GP_{min}$ ) of the transceiver if the MST is greater than the  $GP_{min}$ .” Therefore, independent claims 10, 11, and 20 should be allowable for the same reasons presented with respect to claim 1. Additionally, claims 4, 5, 9 and 14, 15, and 19 should be allowable at least by virtue of their respective dependence to allowable independent claims 1 and 11.

### **Conclusion**

In light of the above remarks, Applicant submits that the present Amendment places all claims of the application in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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